

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

THOMAS E. PEREZ, Secretary of Labor,  
United States Department of Labor,

Plaintiff

V.

CHIMES DISTRICT OF COLUMBIA, INC.,  
et al.,

Defendants.

Case No. 1:15-cv-03315

**DECLARATION OF EVELYN H. CHUNG IN SUPPORT OF PLAINTIFF'S  
MOTION TO AMEND THE COMPLAINT TO JOIN MARILYN WARD AS A  
DEFENDANT**

I, Evelyn Chung, hereby state that I am attorney for the Secretary of Labor, Thoomas E. Perez (the “Secretary”, and I make this declaration pursuant to Section 1746 of Title 28 of the United States Code:

1. As attorney of record for the Plaintiff in the above-captioned case, I am familiar with all the facts and circumstances in this action.

2. I make this Declaration in support of the Secretary's Motion to Amend the Complaint to Join Marilyn Ward as a Defendant.

3. In March 2015 and August 2015, Marilyn Ward and EBSA, through the Regional Director of the Philadelphia Regional Office, executed agreements by the Secretary not to file an action against Ward and by Ward to toll and waive the statute of limitations, in order to provide the parties time to discuss EBSA's findings before the Secretary filed an action.

4. In September 2015, EBSA and the Office of the Solicitor presented

EBSA's findings against Ward and the other Defendants in this action, by letter and in person.

5. Because Ward and the Secretary sought to resolve the Secretary's claims without litigation, in October 2015 they executed the Third Agreement and Stipulation to toll and waive the statute of limitations.

6. Pursuant to the Third Agreement and Stipulation, the Secretary agreed that he would not commence any action pursuant to Title I of ERISA against Ward, prior to April 1, 2016. The Third Agreement and Stipulation tolled the statute of limitations through and including April 30, 2016.

7. Because the Secretary and Ward have been unable to reach an agreement to resolve the Secretary's claims against Ward, the Secretary seeks to file the Amended Complaint joining Ward as a defendant.

8. The Secretary has notified all Defendants of his intent to file the Motion to Amend to Join Marilyn Ward as a Defendant, but they have not yet responded regarding whether they oppose the Motion.

DATE: April 29, 2016  
Arlington, VA

/s/ Evelyn H. Chung  
EVELYN H. CHUNG  
Senior Trial Attorney